

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THEODORE R. LAPUTKA, III,	:	
Plaintiff	:	JURY TRIAL DEMANDED
Vs.	:	HON A. RICHARD CAPUTO
PENN STATE UNIVERSITY,	:	
Defendant	:	NO. 11-CV-01967-ARC

SECOND AMENDED COMPLAINT

The Plaintiff in the above-captioned matter, Theodore Laputka, III, by and through his attorney, The Law Offices of Edward P. McNelis, avers the following:

1. Plaintiff in the within matter is Theodore Laputka, III, an adult individual with his principal residence located at 2240 Sunburst Drive, Luzerne County, Hazle Township, PA 18202

2. Defendant in the within matter is the Penn State University, Hazleton Campus, a body politic and corporate, existing under the law of the Commonwealth of Pennsylvania, with its offices at 76 University Drive, Hazleton, Luzerne County, Pennsylvania and the principal offices located at 201 Old Main, University Park, Pennsylvania 16802.

3. Plaintiff in the within matter was employed by Penn State University, Hazleton Campus, Hazleton, Pennsylvania as a Systems Administrator on January 4, 2010.

4. Plaintiff was advised that he was terminated on June 15, 2010.

5. Plaintiff avers that he was terminated so that an in-house employee, Dean Williams, age 28, could take his position.

6. Plaintiff at the time of the termination was 41 years of age and was qualified for his position.

7. Plaintiff has timely filed discrimination charges with the United States Equal Employment Opportunity Commission and the Pennsylvania Human Relations Commission, and over sixty (60) days has passed since said filing. See Exhibit A.

COUNT I-AGE DISCRIMINATION

Theodore Laputka, III
Plaintiff

vs.

Penn State University
Defendant

8. Plaintiff incorporates herein by reference Paragraph 1 through 7 inclusive above.

9. Jurisdiction of this Court is invoked pursuant to 28 U.S.C.A. Section 1331 (Federal Question) and 29 U.S.C. Section 621, et seq., as amended (age discrimination).

10. Plaintiff as aforesaid held the position of Systems Administrator for Penn State University, Hazleton Campus on January 4, 2010 through June 15, 2010.

11. Despite his extensive experience and education in the field of computer technology, Plaintiff was terminated due to his age.

12. The position was given to an in-house individual under 40 years of age with

considerably less experience, ability and qualification than possessed by Plaintiff.

13. At the time Plaintiff was terminated, Defendant was well aware of the provisions of the Age Discrimination and Employment Act of 1967, as amended. Defendant acted willfully and with reckless disregard of the law in depriving Plaintiff of employment and rights thereto, solely because of Plaintiff's age.

14. As a result of the above described discrimination by Defendant, Plaintiff had been prevented from working, and as a consequence, Plaintiff has been deprived of income in the form of wages, retirement benefits, medical insurance coverage, social security loss and other fringe benefits and job rights due him in an amount to be provided at trial.

15. As a proximate result of Defendant's discriminatory and wrongful acts as set forth, Plaintiff has suffered loss of professional reputation.

16. Plaintiff is now suffering and will continue to suffer irreparable harm and injury from the Defendant's policies, practices, customs and usages as set forth herein.

17. Defendant acted with conscious disregard of Plaintiff's rights under the ADEA and the corresponding PHRA provisions.

WHEREFORE, Plaintiff prays for judgment against the Defendant as follows:

- (a) Compensatory damages for lost wages in an amount to be proven at the time of trial;
- (b) Compensatory damages for cost of medical insurance in an amount to be proven at the time of trial;
- (c) Compensatory damages for Social Security loss, a percentage to be determined;

- (d) Attorney's fees and costs;
- (e) Compensatory damages for loss of professional reputation; and
- (f) Other just and equitable relief as the Court deems fit.

Date: February 23, 2012

s/ Stephen D. Rhoades
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